REMARKS

Claims 1-28 stand rejected. Independent claims 1, 20 and 23 have been amended herein. Therefore, claims 1-28 are pending and at issue. Applicants respectfully request reconsideration of the rejections of claims 1-28 in view of the amendments and arguments presented herein.

Claims 20-21 stand rejected 35 U.S.C. § 102(b) as allegedly being anticipated by Bellare. Applicants respectfully request reconsideration of this rejection as Bellare fails to disclose or suggest the features recited in independent claim 20, as well as dependent claim 21.

Independent claim 20 has been amended to recite determining if a validation request is required based on at least one of the web browser cookies, the language of the web browser, the amount of time the Internet user spends on the advertised website and the total amount of times the affiliate web site causes the transmission of the advertiser web site to the Internet user. These features are simply not disclosed or suggested in Bellare. In fact, Bellare is directed to a wholly different idea. Specifically, Bellare deals with personalizing the presentation of a website based on collected user information. Bellare does not disclose the step of determining if a validation request is required based on the above recited criteria. Therefore, as Bellare fails to disclose or suggest the features recited in claims 20-21, the rejection should be withdrawn and the claims allowed.

Claims 1-19 stand rejected 35 U.S.C. § 103(a) as allegedly being unpatentable over Dunham in view of Kirsch. This rejection should be withdrawn as Dunham and Kirsch, each taken alone or in combination, fails to disclose or suggest the features recited in independent claim 1, from which claims 2-19 depend.

Claim 1 has been amended to recite determining if a validation request is required based at least in part on the information from the Internet user web browser. As properly acknowledged by the Office Action, Dunham fails to disclose determining if a validation request is required. To overcome this deficiency, the Office Action proposes combining Kirsch with Dunham. Assuming *arguendo* that the proposed combination is proper, the result would not have the recited features. Kirsch is directed to an email processing system, such as for filtering spam. Therefore, at best, the system in Kirsch would never make any sort of a determination based at least in part on information from the Internet user web browser. Instead, any possible analysis or determination would be made based on the email itself (or information contained therein). For this reason alone, the rejection should be withdrawn and the claims allowed.

Moreover, the proposed combination is improper. To assert a proper combination of references, the Office Action must show that the cited references are analogous or are at least reasonably pertinent or relevant to the particular problem in which the inventor is involved. M.P.E.P. § 2141.01(a). The Office Action has shown neither of these requirements. Dunham, similar to the present application, is directed to a cost-per-action advertising system, such as embodied in systems relating to search engines. In Dunham, the search engine would receive compensation for users of the search engine that click advertisements that appear on the search engine. The system in Dunham reviews the quality of transactions that take place from the various search engines. For example, the system may analyze what business transactions take place from users who clicked certain types of ads on specific search engines. Therefore, Dunham concerns advertisements and related pay-per-click systems.

Kirsch, on the other hand, is directed to an entirely different area of technology. Kirsch is directed to email filtering and spam systems. Kirsch utilizes whitelists and/or blacklists to

determine if incoming email should be filtered out and/or blocked from a user's email. Essentially, the system in Kirsch analyzes the IP address of the incoming email message to determine if the message is coming from a known sender. The system in Kirsch is directed to dealing with email SPAM, which is completely unrelated to the concept described and claimed in the present application. One skilled in the art would not look to the wholly unrelated disclosure found in Kirsch. Thus, the combination of Kirsch with Dunham has been made with improper hindsight. Therefore, as Kirsch is nonanalogous and is completely unrelated to the particular problem the present application concerns, the combination is improper and the rejection should be withdrawn.

Claims 2-19 depend from and more specifically recite the features of independent claim 1. The proposed combination similarly fails to disclose or suggest many of these features as well. For example, claim 6 recites a redirect page capable of determining if a validation request is required. As discussed *supra*, Kirsch is directed to email systems, and therefore does not disclose or suggest a redirect page capable of the recited determination. Furthermore, claim 7 recites causing the transmission of a second web site to the user if the first web site is not listed in the first web site database. Again, Kirsch is directed to an email system and therefore, does not disclose or suggest transmission of any websites whatsoever. Many of the remaining dependent claims recite other features further distinguishing the present claims from the cited references. Therefore, for these additional reasons, the rejection should be withdrawn.

Claim 22 stands rejected 35 U.S.C. § 103(a) as allegedly being unpatentable over Bellare in view of Landesmann. As discussed supra, Bellare fails to disclose or suggest one or more features recited in independent claim 20, from which claim 22 depends. Landesmann adds nothing in this regard. Therefore, as each of Bellare and Landesmann, taken alone or in

combination, fails to disclose or suggest the features recited in claim 20, the rejection of claim 22 should be withdrawn and the claim allowed.

Claims 23-28 stand rejected 35 U.S.C. § 103(a) as allegedly being unpatentable over Bellare in view of Dunham. This rejection should be withdrawn as each of Bellare and Dunham, taken alone or in combination, fails to disclose or suggest the features recited in claim 23, from which claims 24-28 depend.

Claim 23 has been amended to recite *electronically* determining if the advertiser web site is relevant to the keyword search. The Office Action correctly acknowledges that Dunham fails to disclose or suggest determining if the advertiser website is relevant to the keyword search. To overcome this deficiency, the Office Action proposes combining Bellare with Dunham. However, this proposed combination fails to disclose or suggest *electronically* determining if the advertiser web site is relevant to the keyword search. Dunham, at best, discloses a *user reviewing* the listing of web pages which results as part of a search. Therefore, the Internet user is reviewing the listing to determine if he or she would like to click and of the listed web pages. The present claims recite electronically determining if the advertiser web site is relevant to the keyword search. This is performed, such as by a computer or other electronic device or system. For example, in one form, an intermediate web page can electronically gather information and determine if the advertiser web site is relevant to the keyword search. Therefore, as each of Dunham and Bellare, taken alone or in combination, fails to disclose or suggest the features recited in claims 23-28, the rejection should be withdrawn.

Claim 26 stands rejected 35 U.S.C. § 103(a) as allegedly being unpatentable over Bellare in view of Dunham and further in view of Landesmann. As discussed *supra*, the proposed combination of Dunham and Bellare fails to disclose or suggest the features recited in claim 23,

from which claim 26 depends. Landesmann adds nothing in this regard. Therefore, as each of Dunham, Bellare and Landesmann, when taken alone or in combination, fails to disclose or suggest the features recited in claim 23, from which claim 26 depends, the rejection should be withdrawn and the claim allowed.

Applicants respectfully request reconsideration of the rejections of claims 1-28 and allowance of the case. If any fees are due in connection with this application, the Patent Office is authorized to deduct the fees from Deposit Account No. 19-1351. If such withdrawal is made, please indicate the attorney docket number (35041-400400) on the account statement.

Respectfully submitted,

By _____

Joseph H. Herron
PTO Reg. No. 53,019
Seyfarth Shaw LLP
Attorneys for Assignee
131 South Dearborn Street
Suite 2400
Chicago, Illinois 60603-5577
312-460-5000
312-460-7000 (fax)